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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,185	06/02/2006	John Joseph Holden	PB60092A USw	3252
23347	7590	11/18/2008		
GLAXOSMITHKLINE CORPORATE INTELLECTUAL PROPERTY, MAI B482 FIVE MOORE DR., PO BOX 13398 RESEARCH TRIANGLE PARK, NC 27709-3398			EXAMINER RUDAWITZ, JOSHUA I	
			ART UNIT 3652	PAPER NUMBER
			NOTIFICATION DATE 11/18/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USCIPRTP@GSK.COM  
LAURA.M.MCCULLEN@GSK.COM  
JULIE.D.MCFALLS@GSK.COM

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,185	<b>Applicant(s)</b> HOLDEN ET AL.	
	<b>Examiner</b> JOSHUA I. RUDAWITZ	<b>Art Unit</b> 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/02/2006</u> . | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5; 9; 10; 14-19; 21-24; 27-35; 39-44 and 46-62 rejected under 35 U.S.C. 102(b) as being anticipated by Pang et al. (US 6,060,022).

Pang et al. (Pang) discloses an object handling system and associated method including a support platform 100; at least one carrier holder, A-O, disposed on the support platform and being configured to receive an object carrier supporting objects; at least one analysis station 802 at which objects are analyzed; an object handler 700 comprising a positioning mechanism operable to provide for positioning in a region above the support platform; a tool assembly 714 attached to the positioning mechanism and being movable thereby, wherein the tool assembly comprises a sensor tool 718 which, in a carrier-sensing mode, is utilized in identifying any object carrier as supported by the at least one carrier holder and a holding tool which, in an object-transfer mode, is utilized to hold an object at least in transferring the same between the at least one carder holder and the at least one analysis station; and a control unit for controlling operation of the handling system; the support platform comprises a grid, allowing the at least one carrier holder and the at least one analysis station to be configured at

positions on the grid in any desired configuration; at least one of the at least one carrier holder is configured to receive an object carrier in only one orient, see figure 8A; a plurality of carrier holders 128 disposed to the support platform each being configured to receive an object carrier supporting objects; at least one analysis station comprises a weighing unit 1200; wherein the positioning mechanism comprises a robotic arm 708; the tool assembly comprises an attachment body 712 which is attached to the positioning mechanism, and a support unit, see generally figure 13c, to which the sensor tool and the holding tool are attached and which is mounted to the attachment body such as to be operable between a first, carrier-sensing configuration in which the sensor tool is in an operative position and an object-holding configuration in which the holding tool is in an operative position the object handler is operable, in a carrier-sensing mode and for each carrier holder, to advance the sensor tool successively through a plurality of predetermined detection points to sense for a surface thereat, wherein the sensing of a surface at one of the detection points is indicative of the presence of an object carrier of a respective known kind on the respective carrier holder thereby enabling the handling system to be configured to handle the objects on the respective carrier holder in accordance with a predeterminable handling routine; the presence of an object carrier from a plurality of object carriers of known different kind can be identified; the object carriers of known different kind include an object carrier of one kind in different state; the object handler is operable to advance the sensor tool along a single

axis in the carrier-sensing mode; the holding tool comprises a plurality of gripping jaws, figures 13c-13d, which are operable between a contracted configuration and an expanded configuration to grip and release objects in transporting the same; the gripping jaws define a first, outwardly-facing gripping surface of a first diameter which, with the gripping jaws in an expanded configuration, acts to grip an inner peripheral surface of an object of one kind, and a second, inwardly-facing gripping surface of a second diameter, greater than the first diameter, which, with the gripping jaws in a contracted configuration, acts to grip an outer peripheral surface of an object of another kind; the holding tool further comprises an actuation mechanism for actuating the gripping jaws between contracted and expanded configurations; the actuation mechanism comprises a biasing element for biasing the gripping jaws to one of a contracted or expanded configuration and a drive unit which is operable to overcome the bias of the biasing element to drive the gripping jaws to the other of the contracted or expanded configuration; the biasing element biases the gripping jaws to a contracted configuration and the drive unit is operable to drive the gripping jaws to an expanded configuration; the biasing element comprises a resilient element; and the method steps of providing the above structure and reading a label on one of the objects via 718; detecting the presence of an object.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8; 11-13; 20; 25-26; 36-38 and 45 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Pang et al. in view of Applicant admitted prior art.

With regards to claims 6-8:

Pang fails to disclose the weighing unit comprises a weigh cell for weighing objects and a weigh plate on which objects to be weighed are supported; the weigh plate includes a plurality of recesses of different size for receiving objects of different kind; the recesses have different depths such as to provide that an object of any kind, when disposed in a respective one of the recesses has the same height relative to the support platform. Pang, however, discloses a generic weigh station. The applicant has admitted that the weigh station claimed has been previously manufactured, on page 20 in the second full paragraph of the applicant's specification. It would have been obvious to one of ordinary skill in the object handling art to use the specific weigh station as described by the applicant to obtain the predicable results of weighing a sample.

With regards to claims 11 and 36:

Pang discloses a generic support member, but fails to disclose the support unit comprises a support member which comprises a first arm to which the sensor tool is attached and a second arm to which the holding tool is attached, and a swivel mount to which the support member is coupled and which is attached to the attachment body, with the swivel mount being operable to swivel the support

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member between a first, carrier-sensing position in which the sensor tool is in the operative position and a second, object-holding position in which the holding tool is disposed in the operative position. The applicant discloses on page 15, paragraphs 3-4, the support unit being an off the shelf component. It would have been obvious to one of ordinary skill in the object handling art to use the specific weigh station as described by the applicant to obtain the predictable results of reorienting tools on an object handling device.

With regards to claims 12-13 and 37-38:

Pang discloses a general sensor attached to the sensor tool. Pang fails to disclose an air nozzle unit from which an air flow is in use delivered, and further comprising: an air catch sensor which is pneumatically connected to the sensor tool and operative to detect the presence of a surface proximate the sensor tool by a change in the pressure of the delivered air flow; the sensor tool comprises a body unit which comprises a body including a bore which is pneumatically connected to the air catch sensor which comprises a nozzle which is captively disposed in the bore and extends outwardly of the body and a biasing element for biasing the nozzle outwardly of the body, with the nozzle including an air outlet at a forward surface thereof from which an air flow is in use delivered and an air channel which fluidly connects the air outlet to the bore. The applicant has admitted that the air nozzle unit and pneumatic coupling claimed has been previously manufactured, starting on page 15 in the last paragraph through page 16, third paragraph of the applicant's specification. It would have been obvious to

one of ordinary skill in the object handling art to use the specific sensor as described by the applicant to obtain the predictable results of sensing for the purposes of handling objects.

With regards to claims 20 and 45:

Pang discloses a gripping holding tool. Pang fails to disclose the drive unit comprises a diaphragm. The applicant admits a specific gripper tool with a diaphragm as a drive unit on page 8, the first paragraph and then continues till page 9. It would have been obvious to one of ordinary skill in the object handling art to use the specific drive member as described by the applicant to obtain the predictable results of sensing for the purposes of handling objects.

With regards to claim 25

Pang fails to disclose the specific camera unit for reading labels or the detector unit on the analysis station. The applicant discloses using known camera units, on page 21, paragraph 2, and a detector unit on page 22, paragraph 2, of the specification. It would have been obvious to one of ordinary skill in the object handling art to use the camera member and detector unit as described by the applicant to obtain the predictable results of sensing for the purposes of handling objects.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA I. RUDAWITZ whose telephone number is



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(571)272-7856. The examiner can normally be reached on Monday - Friday, 7:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. I. R./  
Examiner, Art Unit 3652

/Saúl J. Rodríguez/  
Supervisory Patent Examiner, Art  
Unit 3652